

REMARKS

I. Status Summary

Claims 1, 5, 7, 9-26, 28, 29, and 31-78 are pending in the present application. Claims 1, 5, 7, 9-26, 28, 29, and 31-78 presently stand rejected.

Claims 1, 5, 7, 11, 12, 16, 17, 20-26, 28, 29, 31-35, 38, 42, 43, 46, 50, 51, 54-58, 61, 65, 66, 69, 73, 74, 77, and 78 have been rejected by the United States Patent and Trademark Office (hereinafter "the Patent Office") under the judicially created doctrine of obviousness-type double patenting over one or more of claim 8 of U.S. Patent No. 6,177,681; claim 20 of U.S. Patent No. 6,730,511; claims 1-20 of U.S. Patent No. 7,022,319; and claims 1-4, 8-13, 16-18, 20, 21, and 24-28 of U.S. Patent No. 7,074,398.

Claims 9, 10, 13-15, 18, 19, 36, 37, 39-41, 44, 45, 47-49, 52, 53, 59, 60, 62-64, 67, 68, 70-72, 75, and 76 have been objected to as being dependent upon a rejected base claim.

Claims 18, 36, 44, 59, and 67 have been canceled without prejudice.

Claims 1, 17, 19, 20, 22-26, 28, 29, 33, 39, 43, 45-51, 54, 56, 66, 68-75, and 77 have been amended. Support for the amendments can be found throughout the specification as filed, including particularly in canceled claims 18, 36, 44, 59, and 67. Therefore, no new matter has been added by any of the amendments to the claims.

Reconsideration of the application as amended and based on the remarks set forth herein below is respectfully requested.

II. Response to the Obviousness-type Double Patenting Rejections

Claims 1, 5, 7, 11, 12, 16, 17, 20-26, 28, 29, 31-35, 38, 42, 43, 46, 50, 51, 54-58, 61, 65, 66, 69, 73, 74, 77, and 78 have been rejected by under the judicially created doctrine of obviousness-type double patenting over one or more of claim 8 of U.S. Patent No. 6,177,681; claim 20 of U.S. Patent No. 6,730,511; claims 1-20 of U.S. Patent No. 7,022,319; and claims 1-4, 8-13, 16-18, 20, 21, and 24-28 of U.S. Patent No. 7,074,398. Claims 9, 10, 13-15, 18, 19, 36, 37, 39-41, 44, 45, 47-49, 52, 53, 59, 60, 62-64, 67, 68, 70-72, 75, and 76 have been objected to as being dependent upon a rejected base claim.

Applicants have amended independent claims 1, 28, 33, 51, 56, and 74 to include the element recited in objected to claim 9, and independent claims 17, 43, and 66 to include the element recited in objected to claim 18. Particularly, applicants respectfully submit that the amendment to claim 1 is equivalent to amending objected to claim 9 to independent form. Similarly, the amendment to independent claims 17, 33, 43, 56, and 66 are equivalent to amending objected to claims 18, 36, 44, 59, and 67, respectively, to independent form. Consequently, applicants respectfully submit that the amendments to independent claims 1, 17, 33, 43, 56, and 66 are believed to place these claims into condition for allowance.

As a further result of the amendments to these independent claims, applicants respectfully submit that dependent claims 5, 7, 10-16, 22-26, 29, 31, and 32 are also believed to be in condition for allowance based on their dependency from claim 1. Similarly, claim 19 is also believed to be in condition for allowance based on its dependency from claim 17; claims 34, 35, 37-42, 46-50, 54, and 55 are believed to be in condition for allowance based on their dependency from claim 33; claim 45 is believed to be in condition for allowance based on its dependency from claim 43; claims 57, 58, 60-65, 68-73, 77, and 78 are believed to be in condition for allowance based on their dependency from claim 56; and claim 68 is believed to be in condition for allowance based on its dependency from claim 66.

Turning now to independent claims 28, 51, and 74, these claims recite producer cell lines comprising *inter alia* the retroviral vectors of claims 1, 33, and 56, respectively. Applicants have amended claims 28, 51, and 74 to also recite those elements that have been amended into claims 1, 33, and 56: namely, the elements that had been recited in objected to claims 9, 36, 59, respectively.

As a result of the amendments to claims 28, 51, and 74, applicants respectfully submit that claims 28, 51, and 74 are in condition for allowance. Applicants further respectfully submit that claims 20 and 21 are believed to be in condition for allowance based on their dependency from claim 28; claims 52 and 53 are believed to be in condition for allowance based on their dependency from claim 51; and claim 75 and 76 are believed to be in condition for allowance based on their dependency from claim 74.

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Summarily, applicants respectfully submit that all of the rejected independent claims have been amended to include elements that the Patent Office has conceded distinguish the claims over the cited U.S. patents. Applicants further respectfully submit that the dependent claims are also believed to be distinguished over the cited U.S. patents based on their dependency from the independent claims.

Accordingly, applicants respectfully request that the obviousness-type double patenting rejections of claims 1, 5, 7, 7, 11, 12, 16, 17, 20-26, 28, 29, 31-35, 38, 42, 43, 46, 50, 51, 54-58, 61, 65, 66, 69, 73, 74, 77, and 78 be withdrawn at this time. Applicants further respectfully submit that claims 1, 5, 7, 10-17, 19-26, 28, 29, 31-35, 37-43, 45-58, 60-66, and 68-78 are now in condition for allowance, and respectfully solicit a Notice of Allowance to that effect.

#### CONCLUSIONS

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

#### DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

Date: 12/10/2007 By: \_\_\_\_\_



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